



Conditions And Reforms Guiding The Acts Of Animal Welfare Organizations' Efforts In Rescuing Animals From Neglectful Owners.

Priyanka Debnath

Abstract:

Animal cruelty is an act of depriving animals of food, water, shelter, and veterinary care. Apart from that, torturing, killing or maiming of animals is also regarded as animal cruelty and there are many such owners who are oblivious about the actual needs and necessities of animals and many owners who fail to take good care of their pets and also some torture them, beat them or deprive them of their basic needs. The animal welfare organisations tend to work towards rescuing such animals. The study sheds light on various factors and conditions affecting these efforts of the animal welfare organizations in rescuing suffering animals from neglectful and careless owners.

Keywords:

“Animal Welfare Organization”, “animal cruelty”, “neglectful owners”, “animal protection laws”, “animal rights”.

Introduction:

The study entails an in-depth analysis of animal cruelty and various neglectful acts by animal owners and determines the way the efforts of the animal welfare organizations in rescuing the animals from these types of owners. The main focus of the study is that it entails an in-depth study about the various conditions and situations guiding and influencing the efforts of the animal welfare organizations in providing aid to the animals. The laws for protecting animals such as “Prevention of Cruelty to Animals Acts, 1960” were discussed in the paper along with other reforms that are associated with the efforts of the animal welfare organizations. The acts and laws that are there in India for the prevention an infliction of unnecessary pain and sufferings on the animals are also discussed.

Methodology:

The study is based on secondary research and various data and information is collected from different secondary resources such as books, journals, research papers and articles. In addition to that, information from the animal welfare organizations’ official websites would be taken under consideration for undertaking the study. It is to be noted that secondary data is taken under consideration in this research as secondary data is used for increasing the “sampling size” of the research studies and is also chosen for the speed and efficiencies that come with using the already existing resources. In addition to that, as the secondary data tends to facilitate large-scale research projects where several research groups working in the “tandem collect secondary data”. Moreover, it should also be noted that the study design would be based on qualitative data as here in this study, the main purpose is to study the trends and traits of animal cruelty acts in India and the behaviours by various animal owners and the trends of efforts and conditions influencing the efforts of the animal welfare organizations in rescuing the suffering animals from such neglectful owners. Since qualitative data provides the means by which the analysts would be able to quantify the surrounding, it is the right methodology for the current area of study.

Neglectful owners and the associated animal welfare laws:

It is to be noted that all the states have laws that prohibit animal cruelty but the laws are only as good as their enforcement and that is why animals tend to depend on the public to protect them by immediately reporting animal abuse. It is not known when a mishap would occur or when an animal might be in the need of urgent rescue, but it is always important to stay prepared as people's support would make the "lifesaving job" possible.

It is important to note that the animals whose abuse is mostly reported include cats, dogs, horses, bulls, and livestock. The undercover investigations had revealed that the animal abuse abounded within the factory farm industries, but due to the poor and improper protection systems afforded to household pets and livestock under the "state cruelty laws" only the most shocking cases had been reported and very few were ever taken to the court.

The neglect and cruelty tend to cross all the economic and social boundaries and the media reports tend to suggest that animal abuse is quite common in rural as well as the urban areas. The intentional cruelties to the animals are potentially correlated with types of crimes along with violence against humans. It is to be noted that online sales of pets are banned in India as per the laws of "The Prevention of Cruelty to Animals Act 1960".

These laws elaborate on different aspects under which a company or a person would be permitted to set up a "pet shop" and carry out the selling of pets. Few such laws include registering the shops with the "State Animal Welfare Board" ensuring proper and convenient infrastructure for all animal houses, and "veterinary care and health of the animals" amongst the other things. Under no condition, buying or selling a pet can be considered legal¹.

There are some conditions animal-welfare companies can rescue the pets from the neglectful and careless owners:

Dogs can't speak up for themselves when humans are mistreating them, so it's important to step up when we suspect a problem. Here's how to spot the signs of a neglected dog, and what you can do about it. If a dog, cat, or any other is found too skinny to the point that they might look malnourished, it can be the case of neglectful owners. Also, if the fur of the pet such as dogs and cats appear to be matted, dirty, or unhygienic, it also can indicate a careless or neglectful owner who might not even be taking care of the basic grooming aspects of the pets. However, if the signs of neglect are recognized under any circumstances people need to immediately save the animal and need to act as quickly as possible in order to save the animal and report "suspected animal neglect" to the animal welfare departments. Many states within India now have provisions specifically addressing animal neglect under "general cruelty statutes" that prevent and address the various acts of mistreatment against pets and stray animals.

It is to be noted that Sections 428 and section 429 of "The Indian Penal Code" and the "Cruelty to Animals Act of 1960" tends to make it unlawful to maim or cause any kind of harm or injury to the animals. In addition, it is also illegal for the vehicles to purposely harm or cause injuries to pets like cats and dogs and if any person is caught breaching these laws and statutes can be immediately reported to the "local animal protection groups" and also to the police².

Also, under sections 428 and 429, cases can be filed against animal abuse or neglectful acts towards pets and if the owner is found guilty, the pets would be rescued from such circumstances. It is also a criminal offense to feed unhealthy or contaminated food to the animals and any person who gets caught doing so can be charged under section 11 of the "Prevention of Cruelty to Animals Act of 1960" which extends to the whole of India, other than "Jammu & Kashmir".

The section 11 of the "The Prevention of Cruelty to Animals Act, 1960" states some of the conditions under which, if found guilty, the animals can be rescued from the neglectful and careless owners³. They are:

¹ Scott A Johnson, 'Animal Cruelty, Pet Abuse & Violence: The Missed Dangerous Connection' (2018) 6 Forensic Research & Criminology International Journal.

² The Indian Penal Code, 1860, s 428

³ The Indian Penal Code, 1860, s 429

- . Causing any kind of unnecessary suffering or pain to the animals and beating, kicking, or torturing them⁴
- a. Employing unfit aged animals to some kind of labors that they are not supposed to be performing.
 - b. Intentionally or unnecessarily administering injurious substances or drugs to the pets and animals
 - c. Carrying or conveying either in or upon any kind of the vehicle in such a manner as to subject it to unreasonable opportunities for movements.
 - d. Keeping pets unreasonably and heavily chained over unnecessarily all day long or keeping them in close confinement all the time
 - e. Owners failing to provide enough fodder, drinks, or shelter to the animal
 - f. The owner is unable to keep the animal and if he abandons them unreasonably and stop feeding them and leave them to starve
 - g. Animas getting infected by kind of infections or contagious diseases for no excusable reason or explanation
 - h. Selling, offering, or giving away pets without any reasonable cause.

Therefore, it is important to note that if any animal is subjected to any kind of cruelty or if the owner of the pet is found guilty of mistreatment or neglectful acts towards the animal, then under the “Section 11 (a) to (o) of The Prevention of Cruelty to Animals Act, 1960”, the offender will need to pay penalties or even imprisonment in the case of severe violence of the laws⁵.

Animal cruelty from the perspectives of experts:

According to experts, when it comes to defining cruelty and abuse, it is not only confined to hitting and striking something or physical harm. Cruelty and abuse towards animals can also include causing deliberate harm to the animals by unnecessarily imprisoning them or chaining them heavily and carrying out harsh and toxic experiments on animals in an unethical manner. Experts say that human beings do not have the right to cause harm and discomfort to animals by experimenting on them and by subjecting them to harsh chemicals and toxins. On the other hand, animal abuse or animal cruelty can also involve situations where the animals are not properly taken care of and the pet owners fail to provide basic shelter, food, and care to the pets. According to experts, neglect can also be considered a kind of abuse⁶. It is to be noted that animal abuse might also be referred to as cruelty or neglect and specified laws might vary on the basis of the state, but generically speaking, it is also unlawful to withhold food, water, shelter, and veterinary care or a “clean and safe living environment” from the animals under one’s care. If being an owner, a person fails to provide the basic comfort, food, and hygiene to the animals, all these acts can be considered to be a form of “animal cruelty and animal abuse” or more specifically “Neglect”. It is also typically unlawful to willingly inflict any kind of harm or injuries to the animals. This is basically considered “physical animal abuse” and is generally referred to as “animal cruelty”.

Lastly, animal hoardings had gained some focus and attention via media and televisions, and “animal hoarding situations” is referred to as a scenery where a person simply has numerous pets to sufficiently take care of all of these animals in a proper manner. If any pet owner had negative intentions, these kinds of scenarios can turn into “animal abuse cases” where the outside institutes” are required to intervene for the welfare of pet animals.

It is important to note that the “animal rights” are the ethical principles that are embedded in the beliefs that the “non-human animals” tend to deserve the abilities to lead their lives the way they want without being exposed to the demands of the humans. Experts believe that the central point of animal rights is “autonomy” and this is a way of “saying choice”⁷. Within numerous countries, “animal rights & laws” are quite strict and halting the broadened use of the animals will also help to get rid of the “systematic cruelty”

⁴ The Prevention of Cruelty to Animals Act, 1960, section 11

⁵ The Prevention of Cruelty to Animals Act, 1960 s 11(a)to(o)

⁶ Rebecca Ledger and David Mellor, 'Forensic Use Of The Five Domains Model For Assessing Suffering In Cases Of Animal Cruelty' (2018) 8 Animals.

⁷ The Prevention of Cruelty to Animal Act, 1960 s 11

and the denial of the choices that the animal industries tend to perpetuate. Experts also suggest that the physical and psychological pain endured by the animals in places such as “factory farms” had reached a point that it is widely considered to be “unacceptable” and the animals are now multi-layered by the human beings in many ways inclusive of castrations dehorning and cutting off different body parts, often without proper anaesthesia and ethical methods⁸.

Laws against careless pet owners and animal abusers:

It is to be noted that as per the Central Government Act, Section 289, of the Indian Penal Code states negligence conducted with respect to animals and pets. Whoever either wilfully and carelessly refuses to the order with any animal in the possession as is enough to protect against any possible danger to the people, or any probable dangers of “grievous hurt” from these types of animals would be a punishable offense, and imprisoning the owners for as long as six months or heavy penalties. It is important to note that an “irresponsible dog owner law” aims at identifying and penalizing the careless and negligent dog owners and the penalties or fines for these include losing the dogs and paying big amounts of fines.

Any person or any individual under the presence of whom any offense under the “Prevention of Cruelty to Animals, 1960” occurs, anyone can instantaneously file a legal complaint at the nearest Police Station for the measurable actions. The cases of overloading animals with burdens, beating them and causing them to starve, and so on all fall under the the PCA Act, and the government and the police had the power to rescue to the animals from the owners’ custody and can send them to the infirmaries for their care and providing them with the treatment they needed. This rule is stated under section 35 of “The Prevention of Cruelty to Animals Act, 1960”. The section 35 of the statute also states that the animals should be detained and had to be given to the magistrate. Again, under the section 11 of “The Prevention Of Cruelty to Animals Act”, it is stated that the killing of a pet or animal is utterly illegal and it is an offence that which is considered to be animal cruelty as demonstrated by the section 11 of “The Prevention Of Cruelty to Animals Act”.

It is to be noted that according to section 429 and 428 of the Indian Penal Code, mischief to animals and neglecting them after owning them and causing them to suffer is a cognizable offense and the punishments for such acts can be either imprisonment or fines or both⁹. However, it is sad to note that incidents of brutality towards animals and cruel behaviour towards pets are not rare in India and a number of cases have been discovered so far. Each time any such incident occurs, the animal lovers wish for stronger laws and more stringent punishment for breaching the laws. Though there are multiple laws and legislations in the Indian constitution to protect the animals and in the favour of animal well-being, it is tragic to note that the people are not aware of them and they mostly fail to seek legal remedies under these laws¹⁰. “The Prevention of Cruelty to Animals Act (59 of 1960)” has been enacted by the Indian parliament in order to address and prohibit infliction of animal sufferings and the act is provisioned for forming the “statutory advisory bodies” on “Animal welfare Laws” for the promotion of well-being of animals in the country and so setting the “Animal Welfare Board of India” in 1962 under the section 4 of the PCA act.

Results and discussions

It had been found from the study that whilst direct violence is considered to be one of the most definite and obvious form of animal cruelty, neglect is also another form of abuse and is actually a more common form. The study also informs many animals tend to suffer and also die due to neglectful owners. In this context, the animal welfare organizations tend to come to their aid as their main role is to rescue them from the neglectful owners

It is important to note that the study has shown that the main role of the animal welfare organization is to cooperate with, coordinate the works of, associations of the bodies made in order to prevent the unreasoned pain, sufferings to the animals or for the providing protections to the animals. The study also informs that the acts and the efforts of animal welfare is guided by various fundamental duties in the Indian Constitution and also there exists many “animal welfare legislations” within India like “Prevention of Cruelty towards Animal Act, 1960”, “Wildlife Protection Act 1972”, “Cow Slaughter Prohibition Legislations”, “Cow Slaughter Prohibition Legislations” and so on.

⁸ The Prevention of Cruelty to Animals Act, 1960 s 11(a)to(o)

⁹ David Rodríguez Goyes and Ragnhild Sollund, 'Animal Abuse, Biotechnology And Species Justice' (2018) 22 Theoretical Criminology.

¹⁰ The Prevention of Cruelty to Animals Act (59 of 1960)

The main law that supports the acts and efforts of the animal welfare organizations in protecting the animals against cruelty and rescuing them from the neglectful owners is the “Prevention of Cruelty to Animals Act, 1960”¹¹. From the findings of the study, it can be said that the animal welfare organizations tend to treat all the living creatures with due dignity and respect and by creating a comfortable and an open environment that tends to encourage as well as solicits inputs from various stakeholders.

The findings of the paper inform that Indian Animal Welfare Organizations tend to follow the “common law systems” on the basis of recorded judicial precedents that have been laid down by the “British Colony” in India. Thus, it tends to place prominent reliance on the “case laws” and the “precedents” within the development of jurisprudences and laws. Since India is a potential land of wide cultural and religious diversities and thus few “personal laws”, “local customs” as well as “religious texts and conventions” are there that are not in opposition to the morality, statute, public policies¹². Thus, it can be said that larger social and animal welfare organizations are also considered to have a “legal character” and are considered by the courts within the “administration of justice”.

Conclusion:

It can be concluded that Animal cruelty is basically an act of making animals suffer from scarcity of foods, water, shelters, and veterinary care. Apart from that, it can also be said that torturing, killing, harming, beating or maiming of animals is also regarded as potential animal cruelty. However, from the study, it can be said that there are many such owners who are neglectful about the actual needs and necessities of animals and many owners fail to take good care of their animals. Also, in various parts of India, some animal owners also torture them, beat them, use them to fulfil their selfish needs or deprive them of their basic needs. Here comes the role of the “The animal welfare organisations” who tend to work towards rescuing such animals. The study sheds light on various factors and conditions affecting these efforts of the animal welfare organizations in rescuing suffering animals from neglectful and careless owners. Various laws like the PCA 1960 and WPA 1972 tend to support the efforts and initiatives of these organizations in saving and rescuing animals from such owners.

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¹¹ Byrne M and Geysen TL, “Prosecuting Animal Cruelty and Neglect Matters.” [2013] Animal abuse: helping animals and people 142

¹² Reese LA, Vertalka JJ and Richard C, “Animal Cruelty and Neighborhood Conditions” (2020) 10 Animals 2095

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